



IMO

*E*

**COPY**

A1/U/3.37 (NV.1)

He has the honour to refer to the amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (revised Annex I of MARPOL 73/78) which were adopted by the Marine Environment Protection Committee at its fifty-first session on 15 October 2004.

At the time it adopted the amendments, the Marine Environment Protection Committee determined, in accordance with article 16(2)(f)(iii) of the International Convention for the Prevention of Pollution from Ships, 1973 (the 1973 Convention) that the revised Annex I of MARPOL 73/78 shall be deemed to have been accepted on 1 July 2006 unless, prior to that date, not less than one-third of the Parties or Parties, the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments.

In this connection, the Secretary-General received, on 25 January 2005, the following communication from the Chargé d'Affaires a.i. of the Embassy of the United States of America:

"On behalf of the Government of the United States of America, I have the honour to inform Your Excellency, in your capacity as depository for the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, (hereinafter MARPOL), and the revised Annex I, that in accordance with Article 16(2)(f)(ii) of MARPOL and paragraph 1 of resolution MEPC.117(52), which provides that each regulation of the revised Annex I is subject to separate consideration by the Parties, the express approval of the Government of the United States of America will be necessary before Regulations 19, 20 and 21 of the revised Annex I can enter into force for the United States. I request that Your Excellency therefore notify the Contracting Parties to MARPOL that Regulations 19, 20 and 21 of the revised Annex I to MARPOL will enter into force for the United States only after the express approval of the Government of the United States of America has been conveyed to the Secretary-General of the International Maritime Organization, and that Regulations 19, 20 and 21 of the revised Annex I to MARPOL will not, therefore, enter into force for the United States on January 1, 2007. The U.S. does not intend to require its express approval in order for the other regulations of revised Annex I to enter into force for the U.S."

2 June 2005

INTERNATIONAL MARITIME ORGANIZATION  
4 ALBERT EMBANKMENT  
LONDON SE1 7SR

Telephone: 020 7587 3152  
Fax: 020 7587 3210



IMO

*E*

Ref. T5/1.01

MEPC/Circ.430  
3 March 2005

**IMPLEMENTATION PLAN TO PREPARE UNITED STATES FLAGGED  
OIL TANKERS FOR THE ENTRY INTO FORCE OF THE REVISED  
REGULATION 13G AND REGULATION 13H OF MARPOL ANNEX I**

**Communication received from the Administration of the United States**

1 A communication has been received from the Administration of the United States concerning the implementation plan to prepare United States flagged oil tankers for the entry into force of the revised regulation 13G and regulation 13H of MARPOL Annex I. The said regulations will enter into force on 5 April 2005.

2 At the request of the United States, the above-mentioned communication, annexed hereto, is circulated to Member States for their information.



IMO

*E*

INTERNATIONAL CONFERENCE ON THE  
REVISION OF THE SUA TREATIES

LEG/CONF.15/22  
1 November 2005  
Original: ENGLISH

Agenda item 8

**ADOPTION OF THE FINAL ACT AND ANY INSTRUMENTS, RECOMMENDATIONS  
AND RESOLUTIONS RESULTING FROM THE WORK OF THE CONFERENCE**

**PROTOCOL OF 2005 TO THE PROTOCOL FOR THE SUPPRESSION OF  
UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED ON  
THE CONTINENTAL SHELF**

**Text adopted by the Conference**

THE STATES PARTIES to this Protocol,

BEING PARTIES to the Protocol for the Suppression of Unlawful Acts against the Safety  
of Fixed Platforms Located on the Continental Shelf done at Rome on 10 March 1988,

RECOGNIZING that the reasons for which the Protocol of 2005 to the Convention for  
the Suppression of Unlawful Acts against the Safety of Maritime Navigation was elaborated also  
apply to fixed platforms located on the continental shelf,

TAKING account of the provisions of those Protocols,

HAVE AGREED as follows:

**ARTICLE 1**

For the purposes of this Protocol:

- 1 "1988 Protocol" means the Protocol for the Suppression of Unlawful Acts against  
the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome  
on 10 March 1988.
- 2 "Organization" means the International Maritime Organization.
- 3 "Secretary-General" means the Secretary-General of the Organization.

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

2100 Second Street, S.W.  
Washington, DC 20593-0001  
Staff Symbol: G-MS  
Phone: (202) 267-2970  
Fax: (202) 267-4570

16711

Mr. K. Sekimizu  
Director, Marine Environment Division  
International Maritime Organization  
4 Albert Embankment  
London, SE1 7SR, United Kingdom

Dear Mr. Sekimizu:

This letter is to advise the Secretary-General of the U.S. implementation plan to prepare U.S. flagged tank vessels for the pending implementation of MARPOL 73/78, Annex I regulations 13G and 13H (as amended). Although the U.S. has not adopted the amended regulations, U.S. flagged tank vessels on international voyages and sailing in the waters of countries that have adopted regulations 13G and 13H may be impacted. In some cases, the disparity between U.S. law and the amended MARPOL regulations requires phase-out of single hull tank vessels before their Oil Pollution Act of 1990 (OPA 90) phase-out dates. Additionally, U.S. law does not require tank vessels to meet the requirements of the Condition Assessment Scheme (CAS).

Since the U.S. is not a party to the aforementioned amended regulations, the U.S. Coast Guard cannot enforce its provisions or compel U.S. vessel owners to comply. Further, because of our official reservation status, our national law does not recognize the amended MARPOL regulations, and the U.S. is not obligated to record MARPOL phase-out dates on the Form B Supplement of International Oil Pollution Prevention (IOPP) Certificates. In some cases, particularly for vessels sailing from one U.S. port to another via the Panama Canal, the United States desires to maintain valid IOPP Certification using OPA 90 phase-out information. In those rare cases of domestic operations of U.S. vessels, the Coast Guard will record OPA 90 phase-out dates on the IOPP Form B Supplement in accordance with U.S. law. In the spirit of international cooperation, the Coast Guard will continue to record MARPOL single hull phase-out dates on the Form B Supplement of IOPP Certificates for all other vessels sailing internationally. Moreover, while no CAS provisions exist in U.S. law, we encourage U.S. vessel operators to voluntarily comply with CAS as needed. We have established a voluntary program to meet this need and will issue a Statement of Voluntary Compliance to vessels that fully comply with Resolution MEPC.94(46). We are developing a directive which will outline this policy, which I will furnish to you when we complete the directive.

Thank you in advance for bringing this implementation plan to the attention of IMO Member States.

Sincerely,

A handwritten signature in cursive script that reads "Howard L. Hine".

HOWARD L. HINE  
Acting Director of Standards  
Marine Safety, Security & Environmental  
Protection